

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
for the
Western District of New York



United States of America)

v.)

JEFFREY MARTIN)

Defendant

Case No. 19-MJ-667

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about the date of May 31, 2019 through July 19, 2019 in the county of Chemung in the Western District of New York, the defendant violated 18 U.S.C. §§ 2251(a), 2252A(a)(2)(A)&(B), and 2252A(a)(5)(B), offenses described as follows:

the defendant did violate Title 18, United States Code, Section 2251(a) by knowingly employing, using, persuading, inducing, enticing or coercing a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct with that visual production being produced using materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce; and, did violate Title 18, United States Code, Section 2252A(a)(2)(A)&(B) by knowingly distributing child pornography that had been transported in and affecting interstate or foreign commerce by computer; and did violate Title 18, United States Code, Section 2252A(a)(5)(B) by knowingly possessing material that contained an image of child pornography, that was produced using materials that had been transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

X Continued on the attached sheet.

Please see attached affidavit

Sworn to before me and signed in my presence.

Date: July 26, 2019

Complainant's Signature

Kenneth A. Jensen, Jr., S/A FBI

Printed name and title

Judge's signature

City and State: Rochester, New York

Hon. Jonathan W. Feldman, U.S. Magistrate Judge
Printed name and title

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

Kenneth A. Jensen Jr., having been duly sworn, deposes and states as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, Buffalo, New York. As a Special Agent of the FBI, I am an investigative or law enforcement officer of the United States, empowered to perform investigations and arrests related to violations of federal law, including violations of 18 U.S.C. § 2251, 2252 and 2252A, namely production, possession, receipt, and distribution of child pornography. I have been employed as a Special Agent with the FBI since March of 2002 and am currently assigned to the Corning, New York, Resident Agency of the FBI.

2. This affidavit is submitted in support of a criminal complaint charging Jeffrey MARTIN (hereinafter "MARTIN") with violations of Title 18, United States Code, Section 2251(a) (production of child pornography), Title 18, United States Code, Section 2252A(a)(2)(A)&(B) (receipt of child pornography), and Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography).

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, my conversations with other law enforcement officers, witnesses, and cooperating sources, and my review of documents and records related to this case.

4. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that MARTIN did knowingly violate Title 18, United States Code, Sections 2251(a), 2252A(a)(5)(B), 2252A(b)(2) & 2252A(a)(2)(A)&(B).

INVESTIGATION

5. On May 31, 2019, the National Center for Missing and Exploited Children, (NCMEC), received reports from Google, that a user associated with the user name Jr Gems, telephone number (607) 426-9XXX, and email address gemsjr0@gmail.com, had uploaded suspected child pornography to Google via the Google Photos infrastructure. In most cases, a cellular telephone using the Google operating system, called Android, will automatically “back up” photos taken, and/or stored, on the device to Google online storage. Google also provided the IP addresses that were associated with the internet connection responsible for the uploads.

6. Analysis performed by NCMEC indicated that a subset of the suspected child pornography files were likely *newly produced content*. The distinction has to do with the fact that the bulk of the child pornography trafficked on the internet is recycled content. NCMEC believed that some of the content provided by Google, was not of the recycled nature, but recently produced. The chief reason for that belief was that dates associated with the creation of the images were very recent. The IP address responsible for the uploaded, newly produced content was: 2604:6000:1207:803e:f8a9:1bd9:999b:bc70.

7. The information collected by NCMEC was referred to the New York State Police (NYSP) for further action. The New York State Police, in conjunction with the Internet Crimes Against Children Task Force, served a subpoena on Charter Communication requesting account information for the user of IP address 2604:6000:1207:803e:f8a9:1bd9:999b:bc70, on the date and time the uploads were made. In response to the subpoena, the following information was provided:

Subscriber: Brittany Buchanan

Address: 216 Front Street, Apt. B, Elmira, New York

8. In total, five images were identified by NCMEC as potentially being newly produced. The five images are very similar in content, and setting. In general they depict a close in view of the exposed vaginal area of a young, pre-pubescent female child. The images show an adult hand pulling back the victim's clothing to expose the genitals. In three of the images, the adult hand is being used to spread the labia of the victim. In three of the images, a small skin blemish, appearing like a birthmark/mole is present at the base of the adult forefinger. In three of the images, a small portion of pink/purple material can be seen. In all five of the images, the victim appears seated on light blue material. In at least three of the images, a dark grey blanket can be seen. In four of the images a small, flesh colored skin tag can be seen on the bottom side of the left thigh of the victim child.

9. I have also reviewed the files identified by Google as possible child pornography, but are not suspected of being newly produced images. Of the information provided by Google, based on my training and experience, I believe 221 of the images files

provided by Google constitute child pornography as defined in Title 18, United States Code, Section 2256.

10. On June 27, 2019, an investigator from the NYSP interviewed Brittany Buchanan. Buchanan stated she had been living at 216 Front Street, Apt. B, Elmira, New York, from March to May of 2019. She lived at that address with Jeffrey MARTIN, and her two children. The male child was born in February of 2009, and the female child was born in February of 2014. Buchanan provided that MARTIN's phone number was (607) 426-9XXX, and email address was gemsjr0@gmail.com. Buchanan stated that her children had been left with MARTIN overnight at the residence address in May, when she moved out. Buchanan also told investigators that her daughter always had a blanket with her, which generally matched the description of the pink/purple blanket in the newly produced images. Buchanan provided the blanket to the NYSP, and the NYSP subsequently turned the blanket over to me.

11. Using the foregoing information as the primary basis for a search warrant, the NYSP obtained and executed a search warrant at 216 Front Street, Apt. B, Elmira, New York. MARTIN was present for the execution of the warrant, and an LG cellular telephone taken from his person, at that time. During the execution of the search warrant, photos were taken of the residence, as is standard practice. Images were taken of the living room area of the residence. The images depict two sofas within the residence. Located on one of the sofas was a pillow with a light blue pillow case, and a dark grey fleece blanket. Those items were collected by the NYSP, and have been turned over to me.

12. Subsequent to being provided with his Miranda rights, MARTIN was interviewed, and denied any knowledge of child pornography production or distribution using his cellular telephone. MARTIN eventually invoked his right to counsel, and the interview was terminated. Members of the NYSP also obtained digital images of MARTIN's hands. Comparing the images of MARTIN's hands with the hand in the newly produced images, both show the birthmark/mole in the same location and appear to depict the same hand.

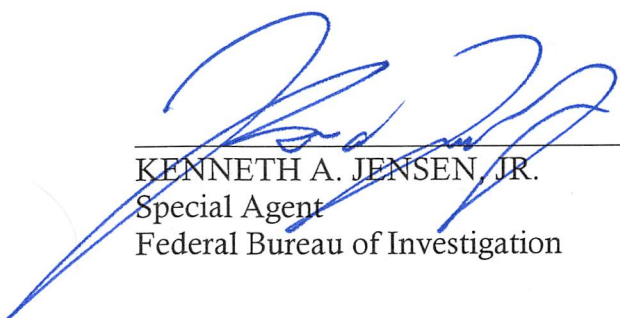
13. When MARTIN was first encountered, during the execution of the search warrant, he was asked for his cellular telephone. MARTIN provided investigators with a cellular telephone from his right front shorts pocket. The telephone is a LG model LML 414DL. The label on the telephone with its identifying information contains the wording "Made in Vietnam". While not complete, initial results of the forensic examination of the telephone has identified one image which, investigators believe depicts Buchanan's daughter. In the opinion of the examiner, the image constitutes child pornography. For the purposes of identifying the child, a cropped image which removed the area depicting the child's exposed genitals was forwarded to local investigators. The cropped image shows a young female laying on her back in a blue and white striped dress.

14. On July 19, 2019, I interviewed Brittany Buchanan. During the interview, I showed Buchanan the cropped image obtained from the preliminary examination of MARTIN's telephone. Buchanan identified the child in the image as her daughter, the setting of the image as the residence of MARTIN, and stated that she would provide the

dress to investigators at a later date. During the same interview, I showed Buchanan the four newly produced images which depicted the small skin tag on the underside of the left thigh of the victim child. Buchanan stated that her daughter has a skin tag which she believed is identical to the one in the image. She also stated that she believed the "boy short" underwear in the images were her daughters.

CONCLUSION

Based on the foregoing, I respectfully submit that there is probable cause to believe that Jeffrey MARTIN did violate Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A)&(B), and 2252A(a)(5)(B).



KENNETH A. JENSEN, JR.
Special Agent
Federal Bureau of Investigation

Sworn to before me this
26 day of July, 2019.



JONATHAN W. FELDMAN
United States Magistrate Judge